

TOWN BOARD SPECIAL MEETING
January 4, 2023

A Special Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 4th day of January 2023.

Present: Jeffrey M. Dewart----- Supervisor
 Jon Hotaling ----- Councilman
 Fred Leuer ----- Councilman
 Tracy L. Carmer----- Town Clerk
 Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 Michael M. Flint ----- Supt. of Highways
 David Haylett----- Attorney

Absent: Robin R. Jansen ----- Councilwoman
 Gail Damon ----- Councilwoman
 Brian Sibiga ----- Engineer

Audience: 1 resident

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 1-2023

APPROVAL OF THE MINUTES

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved the minutes of the previous meeting on December 14, 2022 are accepted as submitted.

RESOLUTION 2-2023

APPROVAL OF SUPERVISOR'S REPORT

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved the Supervisor's Report for December 2022 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Police

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ANNUAL REPORTS RECEIVED

Town Clerk
Code Enforcement
Fort Hyde Kennels

COMMUNICATIONS

Clerk Carmer read the annual letter from the Association of Towns announcing the upcoming training and appointment of a delegate and alternate delegate.

Clerk Carmer advised that Charter Communications is increasing their prices on or about January 17, 2023. She also advised of a request received from the Department of State requesting participation in a broadband survey to more accurately reflect coverage, which affects the amount of funds that the state receives from the federal government.

Water Superintendent Dewart stated the necessity of increasing our fees for installing new water services as the current schedule does not cover our costs.

RESOLUTION 3-2023

WATER TAPPING FEES

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

WHEREAS, the Town Board of the Town of Somerset desires to amend the installation of service fees for water in the Town of Somerset.

NOW, THEREFORE, BE IT RESOLVED, that the installation fees for installation of water service in and by the Town of Somerset and its Districts are hereby established as per the attached water rate schedule as amended, effective January 5, 2023.

RESOLUTION 4-2023

ANNUAL AUDIT OF DEPARTMENTS

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Councilman Fred Leuer and Councilwoman Gail Damon performed an audit of the Town of Somerset financial records on December 27 and 28, 2022 and found everything to be in order.

WHEREAS, the criminal and civil dockets of the Town Justice for 2022 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

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WHEREAS, the records of the Town Clerk for 2022 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Tax Collector for 2022 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Supervisor for 2022 having been duly examined with all monies disbursed properly,

BE IT RESOLVED that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2022 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 5-2023

PLOW FOR PICKUP WATER/SEWER/GROUNDS DEPARTMENT

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED:	Ayes	3	Dewart, Hotaling, Leuer
	Nays	0	

WHEREAS, the Town of Somerset Water/Sewer/Grounds Department desires to purchase a new Boss model #B82VXT RT3 multiposition "v" plow with hand held controller and have it installed; and

WHEREAS, the estimated purchase price of a new Boss model #B82VXT RT3 multiposition "v" plow with hand held controller with installation is greater than \$5,000.00 but less than \$20,000.00; and

WHEREAS, the Superintendent of the Water/Sewer/Grounds Department received three (3) written quotes for the new Boss model #B82VXT RT3 multiposition "v" plow with hand held controller and installation; and

WHEREAS, the lowest written quote received was in the amount of \$8,195.00 submitted by Barker Truck and Trailer Accessories; now therefore be it

RESOLVED, that the Town of Somerset Superintendent of Water/Sewer/grounds is hereby authorized to purchase a new Boss model #B82VXT RT3 multiposition "v" plow with hand held controller as provided for in the written quote from Barker Truck and Trailer Accessories in the amount of \$8,195.00 and said expenditure shall be taken from the 2023 budget.

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RESOLUTION 6-2023

PREPAY BILLS

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that all bills incurred for January that will become due before our February meeting are authorized to be pre-paid.

RESOLUTION 7-2023

FINGERPRINTING FEE

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved the Town of Somerset hereby charges \$50 for fingerprinting, to be added to the Town Clerk's fee schedule.

SUPERVISOR'S APPOINTMENTS

CONFIDENTIAL ASSISTANT TO THE SUPERVISOR – Melinda Austin

DEPUTY SUPERVISOR – Robin Jansen

HISTORIAN – Peter Devereaux

AUDIT COMMITTEE – Councilwoman Damon, Councilman Leuer

PLANNING/ZONING ADVISORY COMMITTEE - Councilman Hotaling, Councilman Leuer

WATER/SEWER/REFUSE/CEMETERY ADVISORY COMMITTEE – Supervisor Dewart, Councilman Hotaling, Superintendent Dewart, Clerk Carmer

PARKS/RECREATION ADVISORY COMMITTEE - Supervisor Dewart, Councilman Leuer, Superintendent Dewart, Clerk Carmer

DRAINAGE – Supervisor Dewart, Councilman Hotaling, Superintendent Flint

SENIOR CITIZEN'S ADVISORY COMMITTEE – Councilwoman Damon

PUBLIC SAFETY ADVISORY COMMITTEE – Supervisor Dewart, Councilman Leuer

BUSINESS DEVELOPMENT/TOURISM ADVISORY COMMITTEE – Supervisor Dewart, Councilman Leuer

COMMUNICATION ADVISORY COMMITTEE – Councilwoman Jansen, Councilwoman Damon, Clerk Carmer

REGISTRAR OF VITAL STATISTICS – Clerk Carmer

RESOLUTION 8-2023

ANNUAL APPOINTMENTS

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

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ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

REGULAR MEETINGS of the Town Board shall be:
2ND Wednesday of each month at 6:00PM
Somerset Town Hall, 8700 Haight Road.

OFFICIAL DEPOSITORIES for accounts and investments shall be:
Evans Bank, Lockport, NY
M & T Bank, Lockport, NY
Chase Bank, New York, NY

AUTHORIZED SIGNATURES AT BANKS shall be the Supervisor, Deputy Supervisor
and Town Clerk.

OFFICIAL PUBLICATION of the Town of Somerset shall be Lockport Union-Sun &
Journal, Lockport, NY

OFFICIAL MILEAGE shall be based on the IRS rate with the rate for 2023 being \$0.655
cents per mile

CREW LEADER for the Water/Sewer/Grounds Department shall be Jesse Green

CREW LEADER for the Highway Department shall be Jeff Reeson

DOG CONTROL OFFICER shall be Mark Remington

ZONING BOARD MEMBER Lauritz Dent is appointed for a 5 year term

ZONING BOARD CHAIRMAN shall be Scott Ecker

ZONING BOARD SECRETARY shall be Sandra Lewis

PLANNING BOARD CHAIRMAN shall be Norm Jansen

PLANNING BOARD SECRETARY shall be Sandra Lewis

BOARD OF ASSESSMENT REVIEW SECRETARY shall be Sandra Lewis

SENIOR CITIZEN DIRECTOR shall be Sandra Lewis

NUTRITION SITE SERVICES ASSISTANT shall be Sandra Lewis

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RESOLUTION 9-2023

SCHOOLING FOR TOWN OFFICIALS

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officers, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 10-2023

DELEGATE AND ALTERNATE TO ASSOCIATION OF TOWNS MEETING

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that Clerk Carmer be appointed delegate for the Association of Towns meeting, and Mindy Austin be appointed the alternate delegate for the Association of Towns meeting.

RESOLUTION 11-2023

APPROVAL OF HISTORICAL SOCIETY CONTRACT

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with the Town of Somerset Historical Society for \$7,752.00 for 2023 is approved.

RESOLUTION 12-2023

KENNEL CONTRACT

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with Fort Hyde Kennels for \$6,850.00 for 2023 is approved.

RESOLUTION 13-2023

APPROVAL OF SENIOR CITIZENS CONTRACT

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

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Resolved that the contract with the Town of Somerset Senior Citizens for \$6,000.00 for 2023 is approved.

RESOLUTION 14-2023

APPROVAL OF SOMERSET YOUTH BASEBALL CONTRACT

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with Somerset Youth Baseball for \$6,200.00 for 2023 is approved.

RESOLUTION 15-2023

APPROVAL OF AMERICAN LEGION CONTRACT

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with the American Legion for \$1,500.00 for 2023 is approved.

RESOLUTION 16-2023

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with the Village of Barker for providing use of highway equipment and services for 2023 is approved.

RESOLUTION 17-2023

APPROVAL OF WATER AGREEMENT WITH THE VILLAGE OF BARKER

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with the Village of Barker for providing use of water equipment and services for repair of water lines for 2023 is approved.

RESOLUTION 18-2023

ANNUAL APPOINTMENT OF ATTORNEY

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

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ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

Resolved the Supervisor is authorized to execute an agreement with Seaman Norris LLP for 2023 pursuant to the parameters set forth in the budget.

RESOLUTION 19-2023

ANNUAL APPOINTMENT OF ENGINEER

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

Resolved the Supervisor is authorized to execute an agreement with Wendel for 2023 pursuant to the parameters set forth in the budget.

RESOLUTION 20-2023

ASSESSOR CLERK

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

Assessor Clerk shall be Ruth Wendler.

RESOLUTION 21-2023

JUSTICE COURT CLERK

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

Justice Court Clerk shall be Janice Rider.

RESOLUTION 22-2023

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

Resolved that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 23-2023

AUTHORIZE PURCHASES UP TO \$3,000.00

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
Nays 0

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Resolved that the department heads are authorized to purchase up to \$3,000.00 per item without prior Town Board approval.

RESOLUTION 24-2023

AUTHORIZE TO PRE-PAY ITEMS

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 25-2023

AGREEMENT TO SPEND HIGHWAY FUNDS

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$200,000.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 26-2023

APPROVAL OF INVESTMENT POLICY

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 27-2023

APPROVAL OF PROCUREMENT POLICY

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

RESOLUTION 28-2023

APPROVAL OF NIAGARA COMMUNITY ACTION PROGRAM CONTRACT

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the contract with Niagara Community Action Program for \$2,500.00 for 2023 is approved.

TAX BILL LATE FEES

There may be errors (special districts were omitted) on a handful of tax bills that cannot be corrected until next week so those bills will need to be resent.

RESOLUTION 29-2023

TAX BILL LATE FEE

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that for the Town of Somerset residents whose special districts were omitted from their tax bills, the penalties and late fees may be waived until March 1, 2023.

RESOLUTION 30-2023

AUDIT OF CLAIMS

On a motion of Councilman Hotaling, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 3 Dewart, Hotaling, Leuer
 Nays 0

Resolved that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 1 through No. 12	\$ 26,995.33
Highway Fund	No. 1 through No. 7	\$ 9,290.50
Sewer Fund	No. 1 through No. 2	\$ 1,178.59
Water Fund	No. - through No. -	\$ -----

SPECIAL NEEDS DECALS

Chief Miller presented a program to the board where the Town of Somerset will distribute decals to residents who have special needs and wish to place a decal on the door of their home and/or vehicle to alert first responders that a person at that location may not be able to understand commands. Chief Miller will move forward with purchasing the decals and implementing the program.

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Chief Miller reviewed his annual report statistics and announced that the gifts that were collected for school families for Christmas helped 49 children in 19 families have gifts to open on Christmas morning. He also advised that he will be holding a Rape Aggression Defense training mid to late February for four weeks, mainly geared toward high school girls heading off to college but it will be open to all females. The school purchased the training suits and aggressor suit.

PRIVILEGE OF THE FLOOR - No one wished to speak

On a motion of Councilman Leuer, seconded by Councilman Hotaling, the meeting adjourned at 6:38P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk

TOWN OF SOMERSET

Water Rate Schedule

Service Classification No. 1

(Rates for water used by owners of property within the District and paying taxes therein, or not paying taxes but making annual payments in lieu of taxes, and their tenants.)

For Water Use:

1. Quarterly (Domestic and small consumers)

Minimum Charge – 1 st	8,000 gallons/quarter = \$17.50/quarter
Next	12,000 gallons/quarter = \$1.75/1,000 gallons
Next	80,000 gallons/quarter = \$1.65/1,000 gallons
All over	100,000 gallons/quarter = \$1.55/1,000 gallons
2. Monthly (Industrial and large consumers)

Minimum Charge – 1 st	3,000 gallons/quarter = \$7.00/month
Next	4,000 gallons/quarter = \$1.75/1,000 gallons
Next	33,000 gallons/quarter = \$1.65/1,000 gallons
All over	40,000 gallons/quarter = \$1.55/1,000 gallons
3. Churches \$1.75/1,000 gallons billed quarterly. No minimum charge.

Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 2

(Rates for water used by owners of property within the District but not subject to the payment of taxes and not making annual payments in lieu of taxes, and their tenants; and by consumers outside the District, or by consumers qualifying as temporary services.)

For Water Use:

1. Quarterly (Domestic and small consumers – including Yates residents who live on Countyline Road from Townline Road north to (but not including) 1917, and north of Roosevelt Highway (Lake Road).)

Minimum Charge – 1 st	8,000 gallons/quarter = \$35.50/quarter
Next	12,000 gallons/quarter = \$3.55/1,000 gallons
Next	80,000 gallons/quarter = \$2.80/1,000 gallons
All over	100,000 gallons/quarter = \$2.30/1,000 gallons
2. Monthly (Industrial and large consumers)

Minimum Charge – 1 st	3,000 gallons/month = \$14.20/month
Next	4,000 gallons/month = \$3.55/1,000 gallons
Next	33,000 gallons/month = \$2.80/1,000 gallons
All over	40,000 gallons/month = \$2.30/1,000 gallons

3. Churches \$3.15/1,000 gallons billed quarterly. No minimum charge.
4. Yates (Countyline Road from 1917 north to Roosevelt Highway (Lake Road); Roosevelt Highway from Countyline Road east to 10565; Millers Road from Countyline Road east to 10228; All of Payne Avenue)
 - a. Residential customers are billed according to a rate schedule established by the Town of Yates and they make their payments directly to the Town of Yates.
 - b. Somerset bills the Town of Yates by voucher on a quarterly basis according to the following schedule:
 - i. Customers using 4,000 gallons or less: \$14.00/customer
 - ii. Customers using over 4,000 gallons: \$3.50/1,000 gallons
 - iii. Churches: \$3.45/1,000 gallons
 - iv. Water samples per Niagara County charge
(usually 3 samples/quarter)
 - v. Final readings based on usage
 - vi. Meter repairs current cost of replacement

Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 3

(Rates for water used by trailer parks or campsites serviced through a master meter, and where at least one permanent structure exists.)

For Water Use through Master Meter:

Quarterly:

Minimum Charge – 1 st	8,000 gallons/quarter = \$17.50/quarter
Next	12,000 gallons/quarter = \$1.75/1,000 gallons
Next	80,000 gallons/quarter = \$1.65/1,000 gallons
All over	100,000 gallons/quarter = \$1.55/1,000 gallons

Penalty: 10% of total bill for non-payment after thirty (30) days.

Hydrant Use:

Agricultural Use

(Water used for purposes of spraying, irrigation and uses related to the growing only of commodities for human and animal consumption.)

Minimum Charge: \$55.00/year
\$1.50/1,000 gallons (irrigation use) billed monthly
\$2.10/1,000 gallons (agricultural)
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Residential Use

(Water used by residents from the hydrant for pool fills, etc.) Only ¾" meter

Minimum Charge: \$55.00/year

\$2.10/1,000 gallons billed upon project completion

Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Commercial Use

(Water used for other than agricultural.)

Minimum Charge: \$55.00/year

\$2.10/1,000 gallons billed annually or upon project completion

Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Installation of Service

Service Connections (Permanent)

Rates:

Service Classification No. 1:

Three quarter inch (¾") Tap – Material cost plus \$250 (includes meter)

One inch (1") Tap - Material cost plus \$250 (includes meter)

Larger than one inch (1"), up to two inches (2"), Tap – Material cost plus \$250

Larger than two inch (2") Tap – All labor, materials and installation costs plus engineering fees and inspector fees.

Pit meters (up to 1") are an additional \$30.00 per meter

Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Service Classification No. 2:

Three quarter inch (¾") Tap – Material cost plus \$450 (includes meter)

One inch (1") Tap - Material cost plus \$450 (includes meter)

Larger than one inch (1"), up to two inches (2"), Tap – Material cost plus \$450 (includes meter)

Larger than two inch (2") Tap – All labor, materials and installation costs plus engineering fees and inspector fees.

Pit meters (up to 1") are an additional \$30.00 per meter

Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Fees

Meters:

Hydrant meters three quarter inch (3/4") - \$40.00

Hydrant meters one inch (1") - \$45.00

Hydrant meters over one inch (1") - \$70.00

Meter Repairs:

Damage meters due to freezing, hot water, or other causes, will be replaced and charged back to the property owner at the current cost of replacement (quote will be obtained from our current meter supplier.)

Final billing and backflow preventer inspection:

The first inspection is free. A charge of \$55.00 will be charged to the homeowner if a second inspection is necessary.

Reinstate water billing:

If a homeowner will not be using water for more than one year and wishes to be removed from the billing system, they will incur a fee of \$70.00 when being placed back into the billing system.

Charges appearing on tax bill:

Somerset Water 2	WD381	.16/1,000	(Direct Benefit)
Somerset Water 2a	WD382	.04/1,000	(Indirect Benefit)
Som Water District	WD385	.12/1,000	(Church)

Any unpaid user charges for Town of Somerset as of October 1st each year shall be levied against the property owner's next current Town tax bill.